

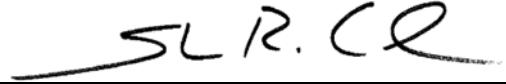
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CITY OF ST. LOUIS,)
)
Plaintiff,)
)
v.) Case No. 4:23-cv-00987-SRC
)
)
CHS TX, INC., D/B/A YESCARE et)
al.,)
)
Defendant.)

Order

Plaintiff City of St. Louis filed a [30] Consent Motion for Leave and Extension of Time to Serve Defendant Lexington Insurance Company. Specifically, the City seeks “leave to send its request for waiver of service to Lexington.” Doc. 30 at 3. Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 90 days after it files its complaint. The City admittedly failed to serve Lexington within the Rule 4(m) time frame. *See* doc. 30. The Court, therefore, “must dismiss the action without prejudice against the defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Accordingly, the Court in part grants the City’s [30] Consent Motion for Leave and Extension of Time to Serve Defendant Lexington Insurance Company. The Court orders the City to serve Lexington not by waiver but by summons no later than February 15, 2024. If the City fails to do so, the Court may dismiss this action without prejudice as it relates to Lexington without further notice.

So ordered this 31st day of January 2024.



STEPHEN R. CLARK
CHIEF UNITED STATES DISTRICT JUDGE